

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

MERRIMACK MUTUAL FIRE  
INSURANCE COMPANY, a/s/o/ JOHN  
McDONOUGH

Plaintiff,

CIVIL ACTION NO. 04CV10091-MBB

v.

APPLICA CONSUMER PRODUCTS, INC.,  
Defendant.

---

**INITIAL DISCLOSURES OF THE DEFENDANT, APPLICA  
CONSUMER PRODUCTS, INC., PURSUANT TO FED.R.CIV.P. 26(a)**

The defendant, Applica Consumer Products, Inc. ("Applica"), hereby submits its initial disclosures to the plaintiff, Merrimack Mutual Fire Insurance Company, a/s/o John McDonough, pursuant to Fed.R.Civ.P. 26(a)(1) and Local Rule 26.2 as set forth below. These disclosures are based upon information reasonably available to Applica as of the date of this document. Applica reserves the right to supplement its disclosures based upon information developed during the course of discovery or further factual investigation.

**A. Disclosure Pursuant to Fed.R.Civ.P. 26(a)(1)(A)**

The following is a list of persons known to Applica or to its attorneys who are likely to have discoverable information that Applica may use to support its defenses in this action:

1. John and Blanche McDonough, 76 Marginal Road, Marshfield, Massachusetts 02050.
2. Ms. Jeanne B. Archibald, Merrimack Mutual Fire Insurance Company.
3. Arnold Thaler, Applica Consumer Products, Inc. 5980 Miami Lakes Drive, Miami Lakes, Florida 33014-2467.

4. Representatives of the Marshfield Fire Department – Fire Investigation Unit who inspected the fire scene and firefighters who responded to the fire, the identity of whom at present remains unknown.

The defendant reserves the right to supplement this disclosure as information becomes available to it.

**B. Disclosure Pursuant to Fed.R.Civ.P. 26(a)(1)(B)**

The following is a description by category of all non-privileged documents currently in the possession, custody or control of Applica or its attorneys, which may be used to support its defenses in this action:

1. Plaintiff's chapter 93A demand letter dated September 11, 2003 and attachments.
2. Defendant's response dated October 8, 2003 to plaintiff's c. 93A demand letter.
3. Plaintiff's letter dated October 14, 2003 regarding defendant's October 8, 2003 letter.
4. Defendant's letter dated October 29, 2003 in response to the plaintiff's October 14, 2003 letter.
5. Various damage documents produced by the plaintiffs.

The defendant reserves the right to supplement this disclosure as information becomes available to it.

**C. Disclosure Pursuant to Fed.R.Civ.P. 26(a)(1)(C)**

Not applicable.

**D. Disclosure Pursuant to Fed.R.Civ.P. 26(a)(1)(D)**

Any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment, which may be entered in this action or to indemnify or reimburse for payments, made to satisfy the judgment:

The declaration pages for the applicable insurance policies are in the possession of Applica's attorneys and will be made available for inspection and copying.

Respectfully Submitted,  
Applica Consumer Products, Inc.,  
By its attorneys,

/s/  
Maynard M. Kirpalani, BBO# 273940  
Geoffrey M. Coan, BBO# 641998  
Wilson, Elser, Moskowitz, Edelman &  
Dicker LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300

CERTIFICATE OF SERVICE

I, Geoffrey M. Coan, hereby certify that I have this 15th day of June, 2004, served a copy of the foregoing upon all parties of record by mailing same postage prepaid to:

Edward A. Prisby, Esquire  
Hunt, Clark and Embry  
55 Cambridge Parkway  
Cambridge, MA 02142

/s/  
Geoffrey M. Coan